



RESOLUTION 2008-741

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RELATING TO ADOPTING "PUBLIC SAFETY EMPLOYEE-EMPLOYER RELATIONS; MEET AND CONFER":

WHEREAS, the Town of Camp Verde has a fundamental interest in the development of harmonious and cooperative relations between the Town and its public safety employees;

WHEREAS, Public Safety employees have the fundamental right to organize and have full communication between public employers and public safety employees;

WHEREAS, The Town, its public safety employees and employee organizations, have a basic obligation to the public to assure the orderly and continuous operations and functions of government;

WHEREAS, the Mayor and Council find that Resolution 2003-551 shall, upon adoption of Resolution 2008-741 be superseded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Town of Camp Verde, Arizona resolve, to adopt the "public safety employee-employer relations; meet and confer" as follows:

Section 1. Public-safety employee-employer relations; meet and confer

- A) Findings and purpose. The town has a fundamental interest in maintaining a harmonious and cooperative relationship between the town and its public safety employees. Establishment of a formal procedure for communications between the two can improve the operations of town government. This resolution is intended to allow the town and its public safety employees, acting within the established framework, to enter into discussions to consider various matters relating to wages, hours, and working conditions.
- B) Definitions: For purposes of this specific resolution, the following definitions apply.
- 1) **Designated public safety employee organization**: The public safety employee organization that has met the criteria for designation under this section and that is eligible to participate in the meet and confer process established by this resolution.
 - 2) **Memorandum of understanding**: The written document approved by the council, which incorporates the agreement resulting from the meet and confer process.
 - 3) **Public safety employees**: Full-time, Arizona certified sworn peace officers and sergeants, and E911 dispatchers, property and evidence technicians and police records clerks. Persons who are employed on a contract, temporary, or seasonal basis are not considered public safety employees.

C) Council and town management; rights and obligations.

- 1) The council is the policymaking and legislative body of the town. None of its rights, duties and obligations, as set forth in the town code, or otherwise established by law, shall be restricted by this resolution.
- 2) The town's ordinances, rules and regulations, administrative directives, departmental rules and regulations, and work place practices shall govern employee relations unless there is a specific conflict with the memorandum of understanding approved by the council pursuant to this resolution. Where a specific conflict exists, the memorandum of understanding shall govern.
- 3) By way of illustration and not limitation, the town has the express right:
 - a) To determine the purpose of each of its departments, agencies, boards and commissions.
 - b) To set standards of service to be offered to the public, and to exercise control and discretion over its organizations and operations.
 - c) To direct its employees, take disciplinary action, relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods and services shall be made, purchased or contracted for, and determine the methods, means, and personnel by which the town's operations are to be conducted.
 - d) To take all necessary actions to maintain uninterrupted service to the community.
- 4) The town manager may, at the manager's discretion or at the direction of the council, consult with the town's employees, or their authorized representatives, about the direct consequences that decisions on these matters may have on wages, hours, and working conditions.
- 5) It is the policy of the council that in matters involving employee relations not expressly covered by an approved memorandum of understanding between the town and the public safety employee organization, decision-making authority shall rest with the town manager.

D) Public safety employees; rights. Public safety employees shall have the right:

- 1) To form, join and participate in any employee organization or to refrain from forming, joining or participating.
- 2) If they so choose, to be represented by the designated employee organization, to meet and confer through a designated employee organization with the town in the determination of wages, hours, and working conditions, and to be represented in the determination of grievances.
- 3) To represent themselves in grievance matters.

E) Meet and confer; scope.

- 1) This meet and confer process includes the following matters:
 - a) Salary or wage rates or other forms of direct monetary compensation and direct cost subjects.
 - b) Paid time off.
 - c) Leaves of absence.

- d) Total hours of work required of an employee on each workday or workweek, including overtime, compensatory time, rest and meal periods.
 - e) Personnel records review.
 - f) Discussions with personnel by group representatives.
 - g) Distribution of information.
 - h) Meet and confer procedures
 - i) Procedures for employee grievances.
 - j) Matters mutually agreed upon by the public safety employee organization and the town manager.
- 2) The following matters shall not be included in the meet and confer process:
- a) Employee discipline, hiring, discharging, promotions, demotions, transfers or suspensions.
 - b) Any facet of the hiring, promotion, or transfer of employees, the types of discipline or grounds for demotion, discharge, suspension or discipline.

F) Meet and confer; process.

- 1) The designated public safety employee organization shall select no more than three public safety employee members as its representatives. The representatives shall meet and confer with up to three representatives designated by the town manager.
- 2) Representatives of the designated employee organization shall meet and confer solely with the town manager or the manager's designated representatives.
- 3) On or before December 15th of any year in which meeting and conferring is authorized by this resolution or by council approved memorandum of understanding, the designated public safety employee organization shall submit its proposal in writing to the town manager. The proposal shall be in a form that can be incorporated into a memorandum of understanding. Within 30 days, the representatives shall hold an initial meeting, the parties shall identify the issues to be discussed and shall establish ground rules for negotiation, including a proposed schedule for meeting and conferring.
- 4) Unless otherwise provided by this resolution, during negotiations proposals shall remain confidential except that they shall be available to the town manager, the public safety employee organization representatives, the employees within the employee group and others designated by the town manager.
- 5) The parties shall negotiate in good faith until an agreement is reached or until one party declares that the parties are at an impasse. The agreed upon issues shall be incorporated into a memorandum of understanding. If the parties are at an impasse regarding any matter, they shall also prepare and submit a separate, joint document listing the matters in dispute. The council shall consider the memorandum of understanding and the matters in dispute at a public meeting. The public safety employee organization and the town manager shall each be given an opportunity to state their position to the council. The council may accept, reject or modify those areas or agreement within the proposed memorandum of understanding and may take whatever

action they feel appropriate with regard to any areas in dispute. Final action by the council shall constitute the memorandum of understanding. The decision of the council shall be final.

- 6) Any portion of the meet and confer process that relates to economic issues shall be concluded prior to May 1st.
 - 7) The memorandum of understanding shall be entered into for a period of not less than two, nor more than three years. Economic issues may be subject to annual negotiation.
- G) Qualification and recognition of designated public safety employee organizations; membership requirements.
- 1) Any employee organization wishing to represent public safety employees shall submit a memorandum to the town manager within 30 days of the effective date of this resolution, and no later than August 1st of each year thereafter, indicating its desire to represent public safety employees. The memorandum shall contain the following information:
 - a) The name and address of the organization and the designated contacts for the organization.
 - b) A copy of the organization's charter, constitution, and by laws, if such documents exist.
 - c) The names, titles and telephone numbers of its duly elected officers.
 - d) A statement that membership in the organization is not denied because of race, color, national origin, religion, sex, disability, marital or familial status, veteran status or political affiliation.
 - 2) A petition shall be filed with the memorandum. The petition shall include the printed names, employee number, date of signature and signatures of at least 50% plus one of all public safety employees.
 - a) If the signature of an employee appears on petitions filed by more than one employee organization, the employee's name shall be struck from all employee organization petitions on which it appears.
 - b) An employee may remove his or her name from a petition by filing a memo with the town manager requesting removal. The memo must be filed within five days after the petition is filed.
 - c) Upon the request of a public safety employee, the signatures on a petition shall be verified by the town clerk.
 - 3) Following the resolution of any challenges to the filed petitions, the organization meeting the requirements of sections G.1. and G.2. above shall be certified by the town manager as the designated public safety employee organization.
 - 4) The designated public safety employee organization may request that membership dues for all public safety employees who have authorized dues deductions be withheld by the town and distributed to the organization.
 - 5) The designated public safety employee organization shall maintain a membership of not less than 50% of the members of its employee group. At any time other than during the annual meet and confer process, the town manager may:

- a) Request that, within 15 days, the organization provides a list of its public safety employee members.
 - b) If membership has fallen below the number necessary to qualify as the representative organization, require the organization to demonstrate the required membership within 90 days. If the organization fails to do so, the organization shall no longer be the designated public safety employee organization.
- 6) At any time other than during the annual meet and confer process, an existing designated public safety employee organization may be decertified and replaced by another organization. Decertification occurs only when a new organization presents the town manager with a petition, which names the organization to be replaced, names the new organization and meets the requirements of sections G.1. and G.2. above. The newly designated group will remain bound by the existing memorandum of understanding until the next authorized meet and confer process takes place.

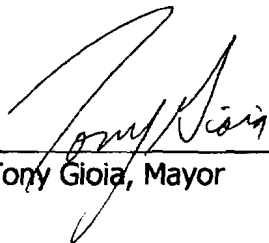
H) Prohibited activities.

- 1) The public safety employee organization, its members or its representatives shall not:
 - a) Restrain or coerce employees in the exercise of their rights under this resolution;
 - b) Refuse to meet and confer with the town;
 - c) Discuss negotiation matters with members of the council from the time the organization makes its presentation to the town manager until items in dispute have been submitted to the council for their determination;
 - d) Use town time, property or equipment for employee organization business, except as specified in the memorandum of understanding or as provided to the general public;
 - e) Obstruct, restrain or coerce any employee, employee representative, elected or appointed town official, or representative of the town in the exercise of any right provided by this resolution, for the purpose of gaining a concession under this resolution, during negotiations, in the selection of its agent for meeting and conferring, or in adjustment of grievances;
 - f) Refuse or fail to comply with any provision of this section.
- 2) The town, its management and its representatives, shall not:
 - a) Interfere with employee rights under this resolution;
 - b) Discriminate against an employee with regard to terms and conditions of employment because of the employee's membership status in an employee organization, or because an employee invoked rights under this resolution;
 - c) Discriminate in regard to hiring, or any term or condition of employment, in order to encourage or discourage membership in an employee organization;
 - d) Refuse to meet and confer with an authorized representative of the designated public safety organization; provided, it shall not be in violation of this subsection for the town to refuse to meet and confer about economic items between May 1st and December 15th;
 - e) Refuse or fail to comply with any provisions of this resolution.

- 3) Except as expressly authorized in this resolution, solicitation of members, collection or payment of dues, and all other internal employee organization business shall be conducted only during non-duty hours and shall not occur on the town's premises.
- 4) Employee organizations and employees shall not engage in, initiate, sponsor or direct a strike, work stoppage, slowdown, sickout or other similar activity. The employee organization conducting any such prohibited practice shall immediately be decertified as a designated public safety employee organization, shall be ineligible to be recertified for two years and shall be ineligible for payroll deductions of dues for a like period of time. Any employee who engages in any prohibited practice may be subject to disciplinary action, including termination.
- 5) Nothing contained in this resolution shall prohibit the public safety employee organization from determining and maintaining its own rules for obtaining or retaining membership in the organization, so long as the rules do not purport to confer any rights to representatives by the association other than that provided by this resolution.

Section 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.


PASSED AND ADOPTED by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on the 20th day of February 2008.



Tony Gioia, Mayor

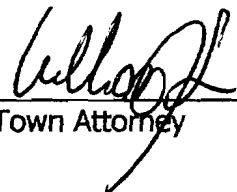
Date: 2/20/08

Attest:



Deborah Barber, Town Clerk

Approved as to form:



Town Attorney